

REMARKS/ARGUMENTS

The Applicants have taken the Examiner's suggestions with respect to the abstract and title and amended the title and abstract accordingly.

Claims 1-28, 53-70 and 84-90 have been rejected under 35 U.S.C. § 102 (b) based upon public use or sale. Applicants respectfully disagree. The Declaration of William Walthall does not present evidence that Goodrich offered for sale any parts made using the process of the instant application. In particular, in paragraphs 8 and 9, Mr. Walthall specifically states that the brake disks were not offered for sale. The fact that BFG is a vendor to Boeing for specific products is irrelevant. The only relevant question is whether the 35 heat sinks were offered for sale to Boeing. They were not, as set forth and described in Mr. Walthall's declaration.

Claims 1-28, 53-70 and 84-90 have been rejected under 35 U.S.C. § 103 (a) as being obvious in view of the teaching of Bentson, U.S. Patent No. 5,298,311. Applicants respectfully disagree. The Examiner contends that Bentson discloses a method of forming carbon/carbon composites by depositing a plurality of layers by CVI/CVD. According to the Examiner, a first matrix and a second matrix is taught by Bentson. This however, is not the invention claimed by Applicants.

Bentson fails to teach the use of a pressure gradient process in which a first portion of the porous structure subjected to the CVI/CVD process is subjected to greater pressure than a second portion of the structure, so that the first portion has a greater bulk density than the second portion. Furthermore, the Examiner has not presented any evidence that one of ordinary skill in the art would realize this in view of the teaching in Bentson. The Examiner is using pure hindsight to arrive at the improper conclusion. Consequently, the Applicants request reconsideration and withdrawal of this rejection.

Claims 1-28, 53-70, 84-90 have also been rejected under the judicially created doctrine of obviousness-type double patenting over claims 14-26 of U.S. Patent No. 6,109,209. Applicants respectfully disagree but will provide a terminal disclaimer upon indication of the allowability of the pending claims.

The cited references, alone or in any combination or permutation, fail to either anticipate or render obvious the other claims set forth in Applicants' specification. On this basis, Applicants respectfully request withdrawal of the outstanding rejections and a speedy notice of

allowability. If the Examiner has any questions or suggestions, or feels that clarification would expedite the prosecution of the matter, he is respectfully requested to contact the undersigned at 312-321-4785 in order to facilitate the disposition of this matter.

Respectfully submitted,



Helen A. Odar
Reg. No.: 32,806
Attorney for Applicants

December 16, 2003

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
312-321-4200